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U.S. DISTRICT COURT
SOUTHERD DISTRICT OF TEXAS
BY *AM*
CLERK

CIVIL ACTION NO.

**TOSHIBA LAPTOP RM9,
MSI LAPTOP RM3,
UNICORN BETTLE TABLET RM3,
USB SANDDISK RM3,
TIMMKOO CELL PHONE, and
TWO SAMSUNG CELL PHONES RM3,**

EP 23 CV 0413

Comes now Petitioner United States of America, acting by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and respectfully states as follows:

This action is brought by the United States of America seeking forfeiture to the United States of the property described below:

- 1. Toshiba Laptop RM9, S/N Y8829895Q;**
- 2. MSI Laptop, Serial Number RM3, S/N S/N GT70;**
- 3. Unicorn Bettle Tablet RM3;**
- 4. USB Sandisk RM3, BN154524852D;**
- 5. Timmkoo cell phone;**
- 6. Samsung cell phone RM3, identification numbers DEC 256 691 514 307 377 812 and HEX 990 004 477 093 94; and**
- 7. Samsung cell phone RM3, identification numbers DEC 256 691 456 605 473 156 and HEX 990 002 065 383 84,**

hereinafter referred to as the “Respondent Property”.

II.

STATUTORY BASIS FOR FORFEITURE

This is a civil forfeiture action *in rem* brought against the Respondent Property for the violations of Title 18 U.S.C. §§ 2251, 2252(a)(2) and 2252(a)(4)(B), subject to forfeiture to the United States pursuant to Title 18 U.S.C. § 2254.

Title 18 U.S.C. § 2254. Civil forfeiture

Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.

III.

JURISDICTION AND VENUE

Under Title 28 U.S.C. § 1345, this Court has jurisdiction over an action commenced by the United States, and under Title 28 U.S.C. § 1355(a), jurisdiction over an action for forfeiture. This Court has *in rem* jurisdiction over the Respondent Property under Title 28 U.S.C. §§ 1355(b) and 1395(b). Venue is proper in this District pursuant to Title 28 U.S.C. § 1355(b)(1)(A), because the acts or omissions giving rise to the forfeiture occurred in this District, and pursuant to Title 28 U.S.C. §§ 1355(b)(1)(B) and 1395(b) because the Respondent Property was seized in this District.

The Respondent Property was seized in the Western District of Texas, on or about June 29, 2023, and turned over to the United States Department of Homeland Security, Customs and Border Protection, and El Paso Fines, Penalties, and Forfeitures (FP&F). The Respondent Property has remained in the custody of FP&F, within the jurisdiction of the United States District Court, Western District of Texas, El Paso Division, and shall remain within the jurisdiction of the court pending litigation of this case.

IV.
FACTS IN SUPPORT OF FORFEITURE

On September 23, 2022, Homeland Security Investigations (HSI) El Paso Human Exploitation Group (HEG) Special Agents, who have been trained in conducting Child Sexual Assault Material (CSAM) investigations over P2P networks, were conducting an online internet investigation to identify those possessing and sharing CSAM on the internet using P2P networks. HSI El Paso HEG was utilizing P2P network, BitTorrent.

HSI El Paso HEG utilizing law enforcement software identified a device utilizing the IP address 75.46.50.31 (hereinafter referred to as the **SUBJECT IP ADDRESS**) as a potential source of files of investigative interest. A device at the **SUBJECT IP ADDRESS** associated with torrent infohash: e142c784a2172e6ff2f53ff2bb2b650142515e66. Torrent with infohash: e142c784a2172e6ff2f53ff2bb2b650142515e66 referenced eighty-five (85) files, at least one of which was identified as being a file of investigative interest related to CSAM.

Between September 23, 2022, at 17:15 (UTC) and September 23, 2022, at 18:05 (UTC), the download of 85 files associated with torrent infohash e142c784a2172e6ff2f53ff2bb2b650142515e66, were successfully completed from a device at the **SUBJECT IP ADDRESS**. The device at the **SUBJECT IP ADDRESS** was making the files available and the device at the **SUBJECT IP ADDRESS** was the sole candidate for the files downloaded.

On December 19, 2022, HSI El Paso HEG, determined via open-source queries of the American Registry for Internet Numbers (ARIN), that IP address 75.46.50.31 was assigned to AT&T Corp., an Internet Service Provider in El Paso, Texas, in the Western District of Texas.

On December 20, 2022 HSI El Paso HEG issued an administrative summons to AT&T Corp. requesting the subscriber name, address, phone number, billing date and time, time of

registration, account status, history of log-in IP address(es) associated with date(s) and payment method, credit information, MAC address(es) and all subscribers associated with the **SUBJECT IP ADDRESS** on listed date(s) and time(s) of activity during September 23, 2022, from 17:15:33 UTC to 18:05:39 UTC. On December 21, 2022, AT&T Corp. responded that the subscriber assigned the **SUBJECT IP ADDRESS**, P.L., hereinafter "Internet Subscriber", has an address of XXXX Mumm Lane, El Paso, Texas 79924, in the Western District of Texas, (**SUBJECT PREMISES**), account number 29853XXXX.

Homeland Security Investigations (HSI) Special Agents (SAs) viewed two (2) files associated with the download obtained and determined they contained evidence of CSAM and constitute child pornography under federal law.

On January 25, 2023, HSI SA conducted surveillance at the **SUBJECT PREMISES**. SAs observed a vehicle parked in the driveway of the residence. Law enforcement queries confirm the registered owner of the above vehicle is the Internet Subscriber who resides at **SUBJECT PREMISES**.

On June 29, 2023, HSI El Paso Human Exploitation Group (HEG), with the assistance of the El Paso Police Department (EPPD) Internet Crimes Against Children (ICAC) Detectives executed a duly issued federal search warrant at XXXX Mumm Ln., El Paso, TX 79924. HSI special agents commanded any occupants of the residence to open the door. Agents encountered P.N.L. and L.L., residents, exiting the residence. Agents advised both occupants they were not under arrest and were free to leave. Both chose to remain at the residence.

HSI seized the following items during the execution of the search warrant.

- (1) 1 EA APPLE LAPTOP RM3
- (2) 1 EA TOSHIBA LAPTOP RM9

- (3) 1 EA TOSHIBA LAPTOP RM9
- (4) 1 EA MSI LAPTOP RM3
- (5) 1 EA UNICORN BETTLE TABLET RM3
- (6) 1 EA HARD DRIVE FROM CYBERPOWER DESKTOP RM
- (7) 5 EA 5 USB'S RM3
- (8) 1 EA USB SANDDISK RM3
- (9) 1 EA EXTERNAL HD RM3
- (10) 1 EA EXTERNAL HD HALLWAY
- (11) 1 EA EXTERNAL HD RM3
- (12) 1 EA AMAZON TABLET
- (13) 1 EA USB RM3
- (14) 1 EA TIMMKOO CELL PHONE
- (15) 1 EA BEATS AUDIO RM7
- (16) 1 EA DELL DESKTOP RM3
- (17) 2 EA SAMSUNG CELL PHONES RM3
- (18) 1 EA GOOGLE CELL PHONE RM7
- (19) 1 EA LENOVO THINKBOOK LAPTOP RM9
- (20) 1 EA HP LAPTOP RM9

Agents were not able to conduct a forensic analysis on the devices listed below due to the devices being password protected, damaged or encrypted:

- TOSHIBA LAPTOP RM9- Could Not Image, drive possibly damaged;
- MSI LAPTOP RM3- Imaged, but HDD Encrypted with BitLocker, could not examine;
- UNICORN BETTLE TABLET RM3- Could not acquire, passcode locked;
- USB SANDDISK RM3- Damaged USB device, could not image;
- TIMMKOO CELL PHONE- Could not acquire, passcode locked;

- SAMSUNG CELL PHONE RM3- Could not acquire, passcode locked; and
- SAMSUNG CELL PHONE RM3- Could not acquire, passcode locked.

The remainder of the seized items were examined and determined to not contain CSAM.

In light of the above, your affiant believes that on or about September 22, 2022, in the Western District of Texas, P.N.L. received and distributed material involving the sexual exploitation of children in violations of Title 18 U.S.C. §§ 2251, 2252(a)(2) and 2252(a)(4)(B), subject to forfeiture to the United States pursuant to Title 18 U.S.C. § 2254.


V.
PRAYER

WHEREFORE, Petitioner, United States of America, prays that due process issue to enforce the forfeiture of the contents in Respondent Property, that due notice, pursuant to Rule G(4), be given to all interested parties to appear and show cause why forfeiture should not be decreed, that a warrant for an arrest in rem be ordered, that the contents in Respondent Property be forfeited to the United States of America, that the contents in Respondent Property be disposed of in accordance with the law, and for any such further relief as this Honorable Court deems just and proper.

Respectfully submitted,

JAIME ESPARZA
UNITED STATES ATTORNEY

By:



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VERIFICATION

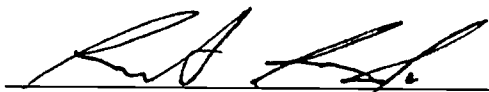
Homeland Security Investigations ("HSI") Special Agent Ricardo Rubio, declares and says that:

1. I am a Special Agent with HSI assigned to the El Paso field office. I am the investigator responsible for the accuracy of the information provided in this litigation.

2. I have read the above Verified Complaint for Forfeiture and know the contents thereof; that the information contained in the Verified Complaint for Forfeiture has been furnished by official government sources; and based upon information and belief, the allegations contained in the Verified Complaint for Forfeiture are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of November 2023.



Ricardo Rubio, Special Agent
Homeland Security Investigations